

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

In the Matter of

AMALGAMATED TRANSIT UNION,
LOCAL 1548

Petitioner

and

TRANSIT CONNECTION, INC.

Employer

Case No. 01-RC-145728

EMPLOYER'S EXCEPTIONS TO HEARING OFFICER'S REPORT
AND RECOMMENDATION ON OBJECTION

The Employer, Transit Connection, Inc., pursuant to 29 CFR §102.69(d)(1)(iii), hereby makes the following exceptions to the Hearing Officer's Report and Recommendation on Objections and Challenges filed on June 3, 2015 the above-captioned matter:

1. The Hearing Officer erred by Finding that the Union was unable to communicate with 15 out of the 39 employees on the voter eligibility list, where the Employer provided a complete and accurate list of each employee's home address. [*Hearing Officer's Report and Recommendation on Objection*¹, 7.]

2. The Hearing Officer erred in concluding that it was reasonable for the Union to assume that home addresses provided by the Employer would not permit officials to contact employees at their homes. [*Report*, 7.]

¹ Citations to *Hearing Officer's Report and Recommendation on Objection* hereinafter referred to as "*Report*."

3. The Hearing Officer erred by failing to acknowledge and account for the complexity of the mail delivery system on the Island of Martha's Vineyard. [*Report*, 7-8.]

4. The Hearing Officer erred by finding that the Employer knew that an employee's mail could only be received at an address other than his listed home address. [*Report*, 9.]

5. The Hearing Officer erred by crediting the testimony of Union's President concerning his actions prior to the election and his access to the contact information of employees who had signed an authorization card. [*Report*, 7-8.]

6. The Hearing Officer erred by concluding that the Union did not become aware that there were address inaccuracies in the voter eligibility list until after the election. [*Report*, 8.]

7. The Hearing Officer erred by concluding that the Union did not have an obligation to advise the Employer or the Board of Suspected address inaccuracies. [*Report*, 9.]

8. The Hearing Officer erred by improperly applying controlling Board precedent to the facts in recommending that the Union's Objection be sustained. [*Report*, 6-7.]

9. The Board Should Reconsider the Holding of *Thrifty Auto Parts*.

10. The Hearing Officer erred in recommending that a new election be conducted in this matter. [*Report*, 10.]

In support of these exceptions, the Employer submits the accompanying Brief in Support of Employer's Exceptions to Hearing Officer's Report and Recommendation on Objection.

Respectfully submitted,

TRANSIT CONNECTION, INC.

By its attorneys

/s/ Mark R. Reich

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Dated: June 17, 2015

CERTIFICATE OF SERVICE

I, Timothy D. Zessin, hereby certify that on June 17, 2015, I caused the foregoing Employer's Exceptions to Hearing Officer's Report and Recommendation on Objection to be filed with the Executive Secretary, National Labor Relations Board, using the NLRB E-filing system. I further certify that I caused a copy to be served via electronic mail and first-class mail upon the following individuals:

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